

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1462**

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**Introduced by Assembly Member Gonzalez**

February 27, 2015

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An act to add Chapter 6.8 (commencing with Section 8549) to Division 1 of Title 2 of the Government Code, relating to immigration services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1462, as amended, Gonzalez. Undocumented immigrants: legal services.

Existing law establishes the Naturalization Services Program, administered within the Department of Community Services and Development, to fund community-based organizations in assisting legal permanent residents in obtaining citizenship.

This bill ~~would~~, subject to the availability of funding in the annual Budget Act, *would* require a state agency or department, to be determined by the Governor, to contract with qualified nonprofit ~~legal services or community-based~~ organizations, *as defined*, to provide legal services to Deferred Action for Childhood Arrivals and Deferred Action for Parents of Americans applicants in this state.

*This bill would become operative upon a final judicial determination that the federal Expanded Deferred Action for Childhood Arrivals program and the federal Deferred Action for Parents of Americans and Lawful Permanent Residents program announced by the President of the United States on November 20, 2014, may be lawfully implemented.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 6.8 (commencing with Section 8549) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 6.8. DEFERRED ACTION INTEGRATION SERVICES

8549. For purposes of this chapter, ~~both~~ *all* of the following shall apply:

~~(a) “Deferred Action for Childhood Arrivals and Deferred Action for Parents of Americans applicant” or “DACA and DAPA applicant” means an undocumented immigrant who either entered the United States without inspection or who did not depart after the expiration of a nonimmigrant visa to attain a lawful status.~~

~~(b) “Legal services” includes culturally and linguistically appropriate services provided by attorneys, paralegals, interpreters, and other support staff for state court proceedings, federal immigration proceedings, and any appeals arising from those proceedings.~~

~~(a) “Deferred Action for Childhood Arrivals applicant” or “DACA applicant” means a undocumented immigrant seeking to attain lawful immigration status under either of the following:~~

~~(1) The Deferred Action for Childhood Arrivals program, announced by the President of the United States on June 15, 2012, and implemented on August 15, 2012.~~

~~(2) The Expanded Deferred Action for Childhood Arrivals program that includes revised eligibility criteria announced by the President of the United States on November 20, 2014.~~

~~(b) “Deferred Action for Parents of Americans applicants” or “DAPA applicant” means an undocumented immigrant seeking to attain lawful immigration status under the Deferred Action for Parents of Americans and Lawful Permanent Residents, announced by the President of the United States on November 20, 2014.~~

~~(c) “Qualified nonprofit or community-based organization” means an organization recognized and accredited by the Board of Immigration Appeals that has at least one immigration attorney on staff and prior experience either in assisting DACA applicants~~

1 *in this state or participating in a collaborative to provide*  
2 *immigrant assistance.*

3 8549.1. (a) Subject to the availability of funding in the annual  
4 Budget Act, a state department or agency, as determined by the  
5 Governor, shall contract with qualified nonprofit ~~legal services or~~  
6 *community-based* organizations to provide legal services to  
7 Deferred Action for Childhood Arrivals and Deferred Action for  
8 Parents of Americans applicants in this state.

9 (b) *The state department or agency, as determined by the*  
10 *Governor in subdivision (a), shall create, oversee, and implement*  
11 *regulations for the granting of contracts awarded to qualified*  
12 *nonprofit or community-based organizations providing legal*  
13 *services to DACA applicants and DAPA applicants pursuant to*  
14 *subdivision (a).*

15 ~~(b)~~  
16 (c) Legal services provided in accordance with subdivision (a)  
17 shall be *culturally and linguistically appropriate and for the sole*  
18 *purpose of providing legal assistance to assisting DACA applicants*  
19 *and DAPA applicants relating to the applicants, with services*  
20 *including, but not limited to, eligibility screening, consultation,*  
21 *and preparing the appropriate United States Citizenship and*  
22 *Immigration Services application.*

23 8549.2. *This chapter shall become operative upon a final*  
24 *judicial determination that the Expanded Deferred Action for*  
25 *Childhood Arrivals program and the Deferred Action for Parents*  
26 *of Americans and Lawful Permanent Residents program announced*  
27 *by the President of the United States on November 20, 2014, may*  
28 *be lawfully implemented.*